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LETTER DATED 9 FEBRUARY 2000 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith the positions and comments of the Government of the Federal Republic of Yugoslavia concerning the report of the Organization for Security and Cooperation in Europe entitled "Kosovo/Kossova as Seen, as Told", on the situation of human rights in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, during the period from October 1998 to October 1999 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

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Annex

Positions and comments of the Government of the Federal Republic of Yugoslavia concerning the report of the Organization for Security and Cooperation in Europe entitled "Kosovo/Kossova As Seen, As Told" on the situation of human rights in Kosovo and Metohija during the period from October 1998 to October 1999

After careful examination of the report of the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) entitled "Kosovo/Kossova As Seen, As Told", parts I and II, on the human rights situation in Kosovo and Metohija during the period from October 1998 to October 1999, certain questions inevitably arise, questions that have not been answered by its authors. There is, first of all, the question of the purpose of, and justification for, resorting to armed aggression against a sovereign country, in violation of all norms and principles of international law, and secondly the question of respect for the fundamental principles of OSCE.

Reports of OSCE have received great attention from the world public and the media and have again raised serious doubts as to the reasons for and consequences of the NATO aggression as well as to the real record of performance of the international administration and the military presence in Kosovo and Metohija. The Federal Government considers that the data cited and the methodology used in collecting and presenting information need a critical analysis and evaluation, both from the point of view of the truthfulness of the statements and data presented and the method of selecting them, and also from the point of view of the (political) effects to be achieved by them.

A one-sided presentation of facts in the report, which does not at all make use or mention of the findings of the authorities in the Federal Republic of Yugoslavia regarding events that are being reported on, represents an attempt at justifying the NATO aggression against the Federal Republic of Yugoslavia after the event. The very publication of the report by OSCE represents an abuse of that organization, already used as an instrument for political purposes, for a second time (the Kosovo Verification Mission (KVM) presence in Kosovo and Metohija having been used to prepare for the NATO aggression). Such abuse has most seriously undermined the credibility of OSCE, which may have unforeseeable consequences on its prestige and possibilities for future activity.

1. Although it was not the intent of the report, it revealed in a documented fashion that there was no humanitarian crisis in Kosovo and Metohija before NATO aggression and that problems in this Serbian province were at least not so serious as to provoke the most brutal interference in the internal affairs of a sovereign State, a gross violation of its sovereignty and territorial integrity and disrespect of the basic principles of OSCE.

It is clear from the report that, prior to NATO aggression, there was no violence against Albanians in Kosovo and Metohija (except actions against the terrorists of the so-called Kosovo Liberation Army (KLA). These actions of "the

army and paramilitary units were confined to the areas where the so-called KLA had its bases". It is also clear from the report that the activities of the Yugoslav authorities in Kosovo and Metohija were directed against a terrorist and separatist organization which openly advocated "an armed struggle until liberation". It documented illegal activities carried out by Albanian separatists (establishment of parallel institutions and administration; boycotting of elections; and the establishment of the so-called KLA, which is being described as "a paramilitary group of Kosovo Albanians whose purpose is separatism through armed struggle").

Consequently, legitimate reactions of the authorities in the Province against terrorist and separatist activities cannot be described as "repression against the Albanian population". The assertion is not true, either, that "human rights violations were the cause and effect of conflicts in Kosovo and Metohija", because it was well-documented that the terrorist activities of the so-called KLA commanded the appropriate legitimate response of the authorities, aimed at their suppression.

The cited information clearly proves that the tragic plight of the Kosovo population followed "the NATO humanitarian intervention", that is the armed aggression against the Federal Republic of Yugoslavia, in which thousands of people were killed and there was a mass exodus fleeing the bombs. In other words, the "military intervention" was directly responsible for the wave of ethnic cleansing, which, instead of being prevented, is going on to the present day in the presence of the United Nations Interim Administration in Kosovo (UNMIK) and the international security force (KFOR).

2. The relevant authorities of the Federal Republic of Yugoslavia kept the international public and the Chairman-in-Office of OSCE regularly informed of the illegal actions by terrorists and separatists in Kosovo and Metohija (see the set of documents delivered to the Chairman-in-Office, Knut Vollebaek, Minister for Foreign Affairs of Norway, on 1 March 1999).

The terrorist actions of Albanian separatists in Kosovo and Metohija, prior to the consent of the Federal Republic of Yugoslavia to accept an OSCE mission in its territory as a sign of its good will, had assumed such proportions that they required energetic measures by the authorities. In a one-year period, from 1 January to 31 December 1998 alone, in Kosovo and Metohija there were:[1]

- More than 1,885 terrorist attacks, in which 288 persons were killed and 561 wounded;

- One thousand one hundred and twenty-nine terrorist attacks against police personnel and facilities, which left 115 police officers dead and 403 wounded;

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[1] All the information cited in these comments is contained in the records of the competent authorities, including the names of victims, date, place and time of commission of crimes.

- The remaining 756 attacks were made against civilians, with 173 people killed and 158 injured.

During the same period, 308 persons (293 civilians and 15 policemen) were abducted. Of this number 31 civilians and 3 policemen were killed, while 143 abducted civilians and 9 policemen are still unaccounted for.

Following the deployment of the OSCE Verification Mission to Kosovo and Metohija, terrorist activities did not cease. Only in the period from 13 October 1998 to 20 March 1999 (after the agreement reached by the President of the Federal Republic of Yugoslavia, Slobodan Milosević, and United States Special Representative, Richard Holbrooke), a series of terrorist attacks, murders and abductions took place in the presence of KVM, namely:

- One thousand and forty-eight attacks (371 against civilians and 677 against police);

- One hundred and fifty-four people (127 civilians and 27 policemen) were killed;

- One hundred and forty-eight (81 civilians and 67 police officers) sustained serious injuries;

- One hundred persons (93 civilians and 7 police officers) were kidnapped (16 killed: 14 civilians and 2 policemen and the fate of 37 civilians and 4 policemen is yet unknown);

- Fifty-six terrorist attacks on Yugoslav Army forces (2 soldiers killed, 9 seriously and 21 slightly injured).

3. Since its deployment in Kosovo and Metohija in October 1998, KVM openly defended the separatist movement and the terrorist KLA there and adopted a benign and uncritical attitude towards it. This is evidently the reason why the above information was left out of the report, because it will clearly show that there was an increase in terrorist actions during the presence of KVM; that roadblocks were set up hindering freedom of movement; that kidnappings and arms smuggling were frequent occurrences. Moreover, strategically important facilities were marked in this period. In this way, OSCE and its Mission were grossly abused and they played a role contrary to the goals of this Organization.

The report singles out, as the most glaring illustration of the alleged repressive policies of the Government before the aggression, the previously overmagnified and overexploited "events" in the media in the villages of Racak, Rakovina and Rogovo (that are referred to as "executions"). In these villages, according to the report, there were mass killings of "Kosovo Albanians by the Yugoslav/Serbian forces". The report made by the team of independent forensic experts did not confirm the accusations levelled by William Walker, Head of KVM.

The evidence of the crimes that had allegedly been committed in Kosovo and Metohija before the aggression was taken as "eye-witness" statements from refugees in camps in Albanian and Macedonia. In view of the fact that this part

of the report contains most serious accusations levelled at the actions taken by "police, paramilitary and the military" against the civilian population - mostly those of Albanian nationality - (torture, rape, missing persons, arbitrary detention, wanton destruction of property and looting, use of civilians as human shields, forced expulsions, etc.), it would be logical that it also contains findings of Yugoslav authorities concerning the events in question, considering that they were presented in a timely fashion and submitted to KVM. Instead, the drafters of the report have confined themselves to "interviewing eye-witnesses on the ground" and making public their statements as testimonies of "witnesses for the prosecution", thus ignoring the reports of the legitimate authorities, a fact which is both essentially and methodologically unacceptable and cannot help to establish an objective picture of events.

4. One may rightfully raise the question of the credibility of the so-called "evidence of the crimes" committed by police, Yugoslav Army and paramilitary forces in the period during the aggression, from 24 March to 9 June 1999, since KVM withdrew from Kosovo and Metohija on 20 March 1999, that is, before the onset of the aggression, and was not present there while it was happening.

It should be noted that the report did not at all keep track of the crimes committed by the NATO alliance in Kosovo and Metohija in that period, although they were widely reported in international media and well-documented by the competent Yugoslav authorities (see the white paper, part I and II).

The list of crimes and irreparable losses caused by the aggression is endless:

- More than 2,000 civilians died. This figure is not final given that the identification of all victims had not been completed;

- More than 7,000 people were wounded and in most cases they will remain permanently disabled;

- Eighty-two bridges were damaged or destroyed;

- Four hundred and twenty-two school facilities (school buildings, university colleges, student dormitories, etc.) were knocked down or damaged;

- Forty-eight health institutions (hospitals, out-patient clinics, health stations, etc.) were damaged or destroyed;

- Seventy-four television transmitter, relay and repeater sites were demolished or destroyed;

- Essential infrastructure (power plants, transformer yards, power distribution system, oil installations, numerous factories, traffic routes, etc.) were destroyed or severely damaged, as well as great many other civilian facilities (see the white paper);

- Over 2.5 million citizens of the Federal Republic of Yugoslavia have remained without the basic means of subsistence;

- Total material losses resulting from the aggression amount close to US$ 100 billion;

- Total quantifiable losses (owing to the sanctions imposed by the international community, secession of the republics of the former Socialist Federal Republic of Yugoslavia as well as the NATO aggression) in the period from 1991 to 2010 have been estimated at US$ 200 billion. It is worth noting that the sanctions, as a flagrant violation of the basic human rights, have not been devoted any attention in the OSCE report.

Negative effects on the overall development of the Federal Republic of Yugoslavia and the standard of living of its population will be felt for decades to come.

5. Regrettably, the OSCE report does not deal at all with the consequences of the aggression on the enjoyment of fundamental human rights of the entire population of the Federal Republic of Yugoslavia. Contrary to NATO's propaganda machine, which sought to create a picture of mass human rights violations and vulnerability of the Albanian population in Kosovo and Metohija prior to NATO aggression, the report, nevertheless, clearly indicates that following the start of "air strikes", there was chaos, uncertainty and fear (of the bombing) and the population fled in massive numbers, which is something that the Yugoslav authorities cannot, obviously, be blamed for.

Civilian losses inflicted by the NATO aggressors have been completely marginalized. Even if they are mentioned, they are justified by the well-known NATO logic of again blaming the Yugoslav authorities for using "human shields" to protect facilities and equipment. Thus, massive deaths among the Albanian civilian population, references to which could not be avoided, were also blamed on the "Serbian forces" and not attributed to the fact that this was the region where the largest number of bombs had been dropped since the end of the Second World War. During the aggression against the Federal Republic of Yugoslavia:

- Thirty-five thousand sorties were conducted, involving more than 1,000 aircraft and 206 helicopters;

- More than 10,000 cruise missiles were launched;

- Seventy-nine thousand tons of ordnance (156 cluster bombs containing 37,440 bomblets).

The report makes no mention of the documentary evidence on the aerial bombardment nor material losses caused by it. There are no photographs, either, of the aftermath of the strikes and we are talking here about the proportionately most bombed region in the history of warfare. Even the published photographs are not authentic, as evidenced by the bombing of the "Prizren League" building, which was struck down in the aggressors' attack on 28 March 1999 (white paper, pp. 227 and 228). The report wrongfully pointed out

that the building was "destroyed by the Yugoslav security forces in March 1999" (report, p.334). Such examples put all other cited information, the credibility of which may be brought into question, in a relatively different light.

Consequently, the OSCE report, which would otherwise make NATO responsible for the serious crimes against civilians and for breaches of the Geneva Conventions, was grossly abused as a tool to justify the aggression. Its purposes were even defined in NATO language ("preventing Yugoslav military and security forces from continuing repression of civilians and deterring their further military actions against their own population"), in contravention of all OSCE principles, which were not referred to therein.

Rather than condemning NATO aggression, the report deliberately omitted any references to it, using the NATO terms for it such as "intervention", "bombing" or "air strikes" or "air campaign". Most often, only certain dates (before or after 24 March 1999) are mentioned, suggesting that the brutal murders of the civilian population and massive destruction of civilian facilities are the result of the same "repressive policy" continued by other means. An impression may be gained, therefore, that NATO bombs killed no one (but they actually killed 2,000 people) and that Serbian security forces were responsible for all casualties during the "air strikes", which was why they were targeted by NATO.

6. The report also lacks what UNMIK and KFOR obviously do not want to talk about, the politically devastating record of the war, because this region is now less secure than it used to be; ethnic cleansing is continuing unhampered and local administration is not functioning.

Since UNMIK and KFOR took responsibility, massive human rights abuses by Albanian terrorists and terrorist gangs have taken place. This is extremely worrying. Between 10 June 1999 and 6 February 2000 alone, in their presence:

- A total of 4,249 terrorist attacks were made;
- Of this number, 4,030 were against Serbs and Montenegrins and 126 against other ethnic communities;
- Ninety-three attacks were against Albanians;
- Eight hundred and eighty-nine persons were killed;
- Seven hundred and eighty-four persons were wounded;
- Eight hundred and thirty-four persons were abducted and missing (75 killed, 6 escaped, 31 released, 722 still unaccounted for);
- More than 350,000 were expelled;
- More than 50,000 homes were burned down;
- Over 80 churches and monasteries were demolished.

During the same time, more than 200,000 criminals and looters from neighbouring Albania were allowed to enter this Serbian province illegally (see the memorandum of the Government of the Federal Republic of Yugoslavia of 3 November 1999).

7. Despite its efforts to prove the contrary, OSCE cannot conceal the evident conclusion that the tragic plight of the Kosovo population is a direct consequence of NATO aggression; that thousands of people were killed during the aggression and not before it; and that an unimpeded ethnic cleansing of the Province of its Serbs, Roma, Muslims, Turks, Goranci and other non-Albanians is now under way, in the presence of UNMIK and KFOR.

While the report blames the Yugoslav authorities for all problems in the past, it is clear that no one bears responsibility for the current situation there, characterized by a climate of impunity. Terror, ethnic cleansing, organized international crime, drug and arms trafficking, human smuggling, money-laundering, abuse of humanitarian aid, and other criminal activities continue. Concurrently, there is a lack of action to prevent such crimes, the lack of an effective system of protection of the population as well as of the functioning of local administration. The report does not point, as it has done in part I, to the responsibility of office holders in Kosovo and Metohija (i.e. UNMIK and KFOR) or blame them for the present situation. As a result, there is a continuing spiral of crime; an ineffective protection of the basic human rights of non-Albanians and non-functioning local government. In this part, the report only takes note of human rights violations (ranging from murders to expulsions, harassment, intimidation, arson and looting).

The report reveals a number of problems arising from the unworkability of the military and civilian missions in Kosovo and Metohija, notably non-fulfilment of the mandate under United Nations Security Council resolution 1244 (1999). Instead of taking energetic steps and applying existing laws of the Republic of Serbia and those of the Federal Republic of Yugoslavia, UNMIK reacts by issuing appeals, statements and regulations that are not either enforced or are not in conformity with the above-mentioned resolution. The lack of vigorous action by the relevant representatives of the international community makes them accomplices in the crime of ethnic cleansing that is under way. The conclusion to be drawn is that the only thing that members of the international community are seriously concerned for is their own safety and security.

Part II of the report, covering the period following the takeover of responsibility by UNMIK and KFOR, may lead to the conclusion that the current violence against Serbs is massive and systematic in all parts of Kosovo and Metohija, apparently with the intent to scare off the non-Albanian population and create a mono-ethnic Kosovo and Metohija. The key elements of the mandates of UNMIK and KFOR, as defined in Security Council resolution 1244 (1999), have not been implemented, that is to create a secure environment in which all refugees and displaced persons can return home in safety, to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo and Metohija, to maintain a multi-ethnic and multi-confessional character of the Province and to demilitarize the so-called KLA. KFOR and UNMIK have failed to ensure free movement in Kosovo and Metohija and also, with their tolerant attitude towards

the terror of the so-called KLA, are accessories to the blockading and ghettoization of segments of the Serbian and other non-Albanian populations herded into several enclaves in Kosovo and Metohija (Orahovac, Gorazdevac, Kosovo Polje). The report failed to point to the responsibility of those who have undertaken to establish law and order and guarantee security for all citizens. They will not take the consequences for such failure either. Thus, the recognition that UNMIK has been incompetent (or unwilling) to halt the final stages of the ethnic cleansing in Kosovo and Metohija and to establish civil administration is revealed in all its devastating brutality.